

REMARKS

Claims 8-14 are pending in the present application. Claims 8 and 10 have been amended.

Claim Rejections – 35 U.S.C. §112, First Paragraph

Claims 8-10 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. On page 2 of the Office Action it is asserted that the claims contain subject matter which are not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. Specifically, claims 8 and 10 are alleged to have no support in the specification for the term “computer readable medium.” The Applicant respectfully traverses this rejection.

The specification is replete with references to an optical disc and sets forth an example a Blu-ray Disc rewriteable (BD-RW) as an example of an optical disc. See, for example, paragraph [0004] of the patent application publication for the present application. Further, FIG. 5 and the corresponding specification found in paragraphs [0043] through [0048] of the patent application publication for the present application illustrates a schematic diagram of an optical disc recording and reproducing apparatus according to some embodiments of the present invention. One skilled in the art would recognize an optical disc recording and reproducing apparatus is for a computer readable medium i.e. the optical disc. The computer readable medium (the disc) itself is shown as item 1 in FIG. 5. In view of the above, the Applicant respectfully requests that the rejections under 35 U.S.C. §112, first paragraph, of claims 8-10 be removed.

Claim Rejections – 35 U.S.C. §101

Claims 8-10 are rejected under 35 U.S.C. §101 because the claims are directed to non-statutory subject matter. The Applicant respectfully traverses these rejections. Further, the Applicant reasserts its arguments and incorporates by reference the arguments in support of the patentability of the claims under 35 U.S.C. §101 set forth in the Amendment filed May 28, 2008 for the present application.

However, to forward prosecution of the application, the Applicant has amended claims 8 and 10 to recite “a computer-readable medium having a data structure for managing video data recorded on the computer-readable recoding medium when read by a computer having a processor.” Support for the phrase “when read by a computer having a processor” is at least found with respect to FIG. 5 and the corresponding portions of the specification describing FIG. 5. A controller 10 is analogous to the processor. In view of the comments made above, the Applicant respectfully requests that the rejections under 35 U.S.C. §101 be removed.

Claim Rejections – 35 U.S.C. §102

Claim 10 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,181,870 to Okada et al. (“Okada”). The Applicant respectfully traverses these rejections.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2D 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully asserts that not all of the limitations recited in claim 10 are found in Okada. For example, claim 10 recites among other things a computer readable medium including “a plurality of time control information areas, representing

decoding time interval information each of said plurality of time control information areas recorded in a corresponding one of said plurality of data packets within a fixed packet interval of the stream." The Applicant respectfully asserts that at least this feature is not taught or suggested by Okada.

The Applicant recognizes that the Office Action on page 7 alleges that the above quoted portion of amended claim 10 is found in Okada (although the Office Action is discussing claim 8, the language at issue is the same).

However, the Applicant respectfully asserts this is based on a misreading of Okada. Page 7 of the Office Action discusses a fixed time interval rather than a fixed packet interval of the stream at lines 1-7 of page 7. Later, at lines 14-17 on page 7, a fixed packet interval is discussed and FIG. 6A of Okada is cited to allegedly show the above quoted portion of claim 10 is shown in the interval pack sequence of FIG. 6A of Okada.

The Applicant respectfully asserts that the assertion that Okada teaches or suggests the above quoted claim language is based on a misreading of FIG. 6A of Okada. The interval pack sequence, at best, shows a GOP composed of picture data with a reproduction period of around 0.4 to 1.0 seconds. See, for example, col. 16, lns. 23-60 explaining FIG. 6A. Thus, FIG. 6A may show a time or 2k byte interval but not a fixed packet interval. Time or 2k byte intervals are not described to be associated with a plurality of time control information areas recorded in a corresponding one of said plurality of data packets within a fixed packet interval of the stream as recited in claim 10.

In contrast to Okada, an example set forth in the present application can be seen in FIG. 8 where a period of N packets is shown in the MPEG-2 transport stream. Each of the plurality of source packets are divided into periods of a fixed number of packets. In the illustrated example, the interval is a period of 10 packets, but other

numbers may be used to define the interval. See, for example, paragraph [0053] of the patent application publication for the present application.

For at least this reason, the Applicant respectfully asserts that Okada does not teach or suggest all of the limitations set forth in claim 10. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. §102(b) of claim 10 as being anticipated by Okada be removed.

Claim Rejections – 35 U.S.C. §103

Claims 8 and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada as applied to claim 10 above, and further in view of U.S. Patent Application Publication 2002/0006273 A1 to Seo et al. ("Seo"). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okada and Seo as applied to claims 1, 8, 10, 11 and 12 above, and further in view of U.S. Patent Application Publication 2002/0150392 A1 to Yoo et al. ("Yoo").

The other pending independent claims 8, 11, 12, 13, and 14 all recite language similar to that discussed above with respect to claim 10. For at least the reasons set forth above with respect to claim 10, Okada does not teach suggest of otherwise render obvious all of the limitations set forth in claims 8 and 11-14. Seo is not alleged to teach the limitations discussed above and cure the insufficiencies of Okada. Neither is Yoo alleged to teach these limitations or cure the insufficiencies of Okada.

For at least these reasons, the Applicant respectfully requests that the rejections of claims 8 and 11-14 under 35 U.S.C. §103(a) as being unpatentable over Okada in view of Seo be removed. Further, the Applicant respectfully requests that the rejections under 35 U.S.C. §103(a) of claim 9 as being unpatentable over Okada in view of Seo and further in view of Yoo be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 8-14 in connection with the present application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the October 14, 2008 Office Action, and submit the required \$130 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: 

Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

TLC/PXL:eaf